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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/796,536	03/09/2004	Wilhelm Schott	6039-000325	2002

27572 7590 03/09/2006

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EXAMINER

BINDA, GREGORY JOHN

ART UNIT PAPER NUMBER

3679

DATE MAILED: 03/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/796,536	Applicant(s) SCHOTT ET AL.	
	Examiner Greg Binda	Art Unit 3679	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 February 2006.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
4a) Of the above claim(s) 5 and 9-11 is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-4, 6-8 and 12 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 07 February 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Election/Restrictions

2. Claims 5, 9-11 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected species, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on September 22, 2005.

- a. Claim 5 does not read on the elected species because it recites a “a bearing bore driving member” which is not present in the elected species. Such a ‘member’ appears only to be found in unelected species. See for example the bearing 28 in Fig. 4.
- b. Claim 10 is withdrawn because it reads only on an unelected species. See applicant’s remarks at page 9, second paragraph, in the amendment filed Feb 7, 2006.

Specification

3. The disclosure is objected to because at page 8, line 13, “portion 25” should be changed to “portion 24”.
4. The detailed description of the invention is objected to as failing to provide proper antecedent basis for the following claimed subject matter:
 - a. The “abutment” recited at claim 1, line 10 and claim 12, line 6.

- b. The integral formation of the second driving elements and the driving member recited in claim 8.

Claim Rejections - 35 USC § 112

5. Claims 1-4, 6-8 & 12 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

- a. Claim 1, lines 12 & 13 and claim 12 recite the limitation “said driving member rotationally supported . . . on the connection plate”. However, the driving member 20 clearly is not supported rotationally or otherwise on the connection plate 10. Applicant argues that Fig. 2 shows such support, but no where is such support shown, nor is any taught, disclosed or suggested in the specification.

- b. Claim 1, lines 12-14 and claim 12 recite the limitation “said driving member rotationally supported . . . **on** a component connected to the connection plate” (emphasis added). No such support is taught, shown or described. At best, the disclosure provides only that the driving member 20, 21 is supported **within** the component 12 that is connected to the connection plate 10.

7. Claims 2 & 8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 2 & 8 recite the limitation, “rotational abutments”. It is not clear if these rotational abutments are the same as, or different from the rotational abutments recited in claim 1, line 9.

Claim Rejections - 35 USC § 102

8. Claims 1, 4 & 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Walterscheid, GB 978,027. Figs. 1 & 2 show a torque transmission device for driving or in drives of agricultural devices or self-propelled machines, the device comprising: a coupling having a first coupling element 4 with a connection plate 4, a second coupling element 1 rotationally arranged to the first coupling element, at least one torque transmission element 3, transmitting torque in at least one rotational direction around a longitudinal axis between the first coupling element and the second coupling element; first driving elements 5 connected to the connection plate 4; and a driving member 6 including rotational abutments 8, which can be brought into abutment with the first driving elements for a torque transmission around the longitudinal axis after the driving member 6 passes through a predetermined rotational free motion (see “a certain limited relative rotation” at page 2, lines 8 & 9), the driving member rotationally supported around the longitudinal axis on a component 3 connected to the connection plate 4. Fig. 1 shows the driving member 6 comprises a universal joint yoke of a universal joint belonging to a universal joint shaft (see also “Cardan shaft” at page 2, lines 18 & 19).

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9. Claims 1, 2, 4 & 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Jennings, US 4,464,137. Figs. 1-4 show a torque transmission device for driving or in drives of agricultural devices 10 or self-propelled machines, the device comprising: a coupling 20 having a first coupling element with a connection plate 26, a second coupling element 42 rotationally arranged to the first coupling element, at least one torque transmission element 32, transmitting torque in at least one rotational direction around a longitudinal axis between the first coupling element and the second coupling element; first driving elements 50 connected to the connection plate 26; and a driving member 47 including rotational abutments 55, which can be brought into abutment with the first driving elements 50 for a torque transmission around the longitudinal axis after passing a predetermined rotational free motion (see “a limited amount of rotational movement” at col. 4, lines 16 & 17). Figs. 1 & 3 show the driving member 47 comprises a universal joint yoke of a universal joint 16 belonging to a universal joint shaft. Fig. 3 shows the driving member 47 is rotationally supported (via the unnumbered bearing sleeve radially inside of the threaded portion of the bolts 36) around the longitudinal axis on the connection plate 26 or on a component 45 connected to the connection plate by the bearing sleeve 48.

10. Claims 1, 4, 6, 7, 10 & 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Landrum, US 3,050,965.

a. Claims 1 & 12. Figs. 8 & 9 show a torque transmission device for driving or in drives of agricultural devices or self-propelled machines, the device comprising: a coupling having a first coupling element with a connection plate 62, a second coupling element 54 rotationally arranged to the first coupling element, at least one torque transmission

element (the connection between the parts 54 & 62), transmitting torque in at least one rotational direction around a longitudinal axis between the first coupling element and the second coupling element; first driving elements 64 connected to the connection plate 62; and a driving member 53, 56 including rotational abutments 66, which can be brought into abutment with the first driving elements 64 for a torque transmission around the longitudinal axis after passing a predetermined rotational free motion (see also col. 4, lines 53-59). Fig. 9 shows the driving member portion 56 rotationally supported around the longitudinal axis “on” (actually within as in applicant’s disclosed invention) the connection plate 62.

b. Claim 4. In col. 1, lines 38-40 and col. 4, lines 61-63 the driving member 53, 56 is disclosed as comprising a universal joint yoke of a universal joint belonging to a universal joint shaft.

c. Claim 6. Figs 8 & 9 show the first driving elements 64 are formed by cylindrical distance sleeves, which are supported on the connection plate 62 and, when a support plate 69 is provided, are also on the support plate.

d. Claim 7. Figs. 8 & 9 show the support plate 69 is fixed by screws 64 passed through the first driving element on the connection plate.

Claim Rejections - 35 USC § 103

11. Claims 2, 3 & 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Landrum in view Yabe, US 6,743,105.

- a. Claim 2. In Figs. 8 & 9 Landrum shows the driving member 56 includes second driving elements (see in Fig. 8 the inner sidewalls of the gaps 66) formed as rotational abutments radially distributed around the driving member, and gaps 66 formed between the abutments, the first driving elements 64 engaging in the gaps in a circumferential direction around the longitudinal axis with a rotational free motion. Landrum does not show the rotational abutments projecting from the circumference of the second driving elements but instead shows the abutments as the sidewalls of the slots 66. Yabe shows that rotational abutments projecting from the circumference of a driving element (see Figs. 2 & 4) are the functional equivalent of rotational elements in the sidewalls of slots in a driving element (see Figs. 6 & 8). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the torque transmission device of Landrum by making the second driving element with rotational abutments in the form of radial projections instead of slot sidewalls since radial projections and slot sidewalls are functionally equivalent rotational abutments as shown in Yabe.
- b. Claim 3. In Figs. 8 & 9 the torque transmission device of Landrum is shown with a support plate 69 held by the first driving elements 64 at an axial distance to the connection plate 62, the driving elements forming distance holders, so that between the support plate and the connection plate a space is formed, and the driving member 56 is accommodated in the space in a rotatable manner.
- c. Claim 8. In Figs. 8 & 9, Landrum shows three second driving elements 66 are integrally formed as rotational abutments/gaps on the driving member 56 and three first driving elements 64 are provided in the gaps.

Response to Arguments

12. Applicant's arguments filed Feb. 7, 2006 have been fully considered but they are not persuasive.

a. Applicant argues that Walterscheid fails to anticipate the claims because “the driving member [6] does not pass through a predetermined torque free rotational motion”.

However, Walterscheid expressly discloses at page 2, lines 8 & 9 that the driving member 6 will pass through a predetermined torque free rotational motion.

b. Applicant argues that Jennings fails to anticipate the claims because Jennings allegedly fails to show the driving member 47 supported on the connection plate 26.

However, applicant's own device is shown only with the driving member 20 radially engaging the connection plate 12. This, applicant argues, equates to the driving member 20, 21 being “supported on the connection plate 10”. If that is so, then Fig. 3 of Jennings (which shows driving member 47 radially engaging the connection plate 26 via an unnumbered bearing sleeve) must also show the driving member 47 supported “on” the connection plate 26.

c. Applicant argues that Landrum fails to anticipate the claims because there is no torque free rotational movement. However in col. 4, lines 53-59, Landrum expressly discloses the driving member 53, 56 passes through a predetermined rotational torque free motion (see “relative rotational movement”). Note, at page 8, line 1 of the instant disclosure, where torque free motion is defined as one in the same with relative rotational movement.

Conclusion

13. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Greg Binda whose telephone number is (571) 272-7077. The examiner can normally be reached on M-F 9:30 am to 7:00 pm with alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on (571) 272-7087. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Greg Binda
Primary Examiner
Art Unit 3679